?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 02.08.2018

*CORAM

THE HON-BLE MR.JUSTICE R.SURESH KUMAR

+W.P.(MD)No.17139 of 2018

#1) S.Padmanabha Pillai

2) K.George

3) S.Mathias

4) A.Joesph Stanley

5) K.Vargheese

6) K.Subramania Pillai

7) William Keri

8) K.Gurunathan

9) S.Charlus

10) C.Rajendran

11) T.Paulraj

12) N.Nadarajan

13) Narayana Pillai

14) S.Berkmans

15) S.David Wilson

16) B.Thankappan

17) S.Hariendranath

18) M.Rajanbabu

19) C.Chithambaram

20) M.Ramachandren ... Petitioners
Vs

$1) The Secretary,
Transport Department,
Secretariat,
Chennai~ 600 009.

2) The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd.,
Tirunelveli 627 011.

3) The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvallur House,
Pallavan Salai, Chennai. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to implement the 13th wage settlement terms No.5 in Checking Inspector / Driving Instructors (CI/DI) and Security supervisor pay band 9300~34800 and grade pay 4300/~ with effect from 01.09.2010 on the basis of petitioners representation dated 02.07.2018 consequently the respondents to give all other monitory benefits to the petitioners forthwith.

!For Petitioners : Mr.N.S.Ramakrishna Dass

^For R1 : Mr.M.Murugan,
Government Advocate.

For RR 2 & 3 : Mr.K.Sathiya Singh,
Standing Counsel.

:ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the respondents herein to implement the 13th Wage Settlement Terms No.5 in Checking Inspector / Driving Instructors (CI/DI) and Security Supervisor pay band 9300~34800 and Grade Pay Rs.4,300/~ with effect from 01.09.2010, on the basis of petitioners- representation dated 02.07.2018 and consequently, the respondents to give all other monitory benefits to the petitioners forthwith.

2. Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioners and Mr.M.Murugan, learned Government Advocate appearing for the first respondent and Mr.K.Sathiya Singh, learned standing counsel appearing for the respondents 2 & 3.

3. Learned counsel appearing for the petitioners would submit that, the petitioners were working as Checking Inspectors / Driving Instructors at the

respondent Corporation and on superannuation, all these petitioners retired from service on various dates between 01.09.2010 and 31.08.2016.

4. Pursuant to the 13th Wage Settlement of the Transport Corporation of the Government of Tamil Nadu, under Section 12(3) of the Industrial Disputes Act, 1947 dated 04.01.2018, the petitioners are entitled to get

higher pay, of course, notionally, from the year 2010 and accordingly, their pay has to be fixed notionally and the monetary benefits by way of pension has to be given to them by the respondent Corporation. However, the said follow up action was not taken by the respondent Corporation, pursuant to under Section 12(3) of the 13th Wage Settlement Terms. Therefore, in this regard, the petitioners have made their request by way of representation dated 02.07.2018.

5. The learned counsel appearing for the petitioners would submit that, if the said representation dated 02.07.2018 given by the petitioners are directed to be considered on merits and an order to that effect is directed to be passed within a time frame that may be fixed by this Court, the petitioners would be satisfied.

6. I have heard Mr.M.Murugan, learned Government Advocate appearing for the first respondent, who would submit that, the said representation of the petitioners dated 02.07.2018 would be considered on merits and in accordance with law and an order to that effect would be directed to be passed by the respondents, within a time frame that may be fixed by this Court.

7. Considering the said submissions made by both sides and by taking into account the limited scope of the writ petition, this Court is inclined to pass the following orders:
?that the respondents are directed to consider the representation of the petitioners dated 02.07.2018, on merits and in accordance with law and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.?

8. With the above direction, this Writ Petition is disposed of.
However, there shall be no orders as to costs.

To
1) The Secretary,
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Tirunelveli 627 011.

3) The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvallur House,
Pallavan Salai, Chennai.